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**From:** Bennett, James [bennett.james@epa.gov]  
**Sent:** 8/17/2017 8:49:03 PM  
**To:** rogers, rick [rogers.rick@epa.gov]  
**Subject:** Fwd: For WCED/WED review: language for media inquiry re DuPont PFOA levels

Andy

Provided comments below and roger said the statement looks correct now.

**Ex. 5 Attorney Client (AC)**

Sent from my iPhone

Begin forwarded message:

**From:** "Duchovnay, Andrew" <Duchovnay.Andrew@epa.gov>  
**Date:** August 17, 2017 at 3:54:37 PM EDT  
**To:** "Field, Stephen" <Field.Stephen@epa.gov>, "Reinhart, Roger" <Reinhart.Roger@epa.gov>, "Bennett, James" <bennett.james@epa.gov>, "White, Terri-A" <White.Terri-A@epa.gov>  
**Subject:** FW: FW: For WCED/WED review: language for media inquiry re DuPont PFOA levels

Below are the edits to the statement to be provided to the reporter seeking information about the 2002 order.

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**From:** Speir, Jeffrey  
**Sent:** Thursday, August 17, 2017 3:49 PM  
**To:** Clark, Jacqueline <clark.jacqueline@epa.gov>; Davies, Lynne <Davies.Lynne@epa.gov>; Duchovnay, Andrew <Duchovnay.Andrew@epa.gov>  
**Cc:** Collins, Charlie <collins.charlie@epa.gov>; Baptista, Chrisna <Baptista.Chrisna@epa.gov>  
**Subject:** RE: FW: For WCED/WED review: language for media inquiry re DuPont PFOA levels

Thank you! I will pass your edits, and the additional background information you provided, to John Senn.

Jeffrey Speir  
Attorney-Adviser  
U.S. Environmental Protection Agency  
OECA – OCE – Water Enforcement Division  
1200 Pennsylvania Avenue, NW (2243-A)  
Washington, DC 20460  
(202) 564-0872

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**From:** Clark, Jacqueline  
**Sent:** Thursday, August 17, 2017 3:27 PM  
**To:** Speir, Jeffrey <speir.jeffrey@epa.gov>; Davies, Lynne <Davies.Lynne@epa.gov>; Duchovnay, Andrew <Duchovnay.Andrew@epa.gov>  
**Cc:** Collins, Charlie <collins.charlie@epa.gov>; Baptista, Chrisna <Baptista.Chrisna@epa.gov>  
**Subject:** RE: FW: For WCED/WED review: language for media inquiry re DuPont PFOA levels

All – background information directly below and proposed edits further below in Jeff's email. I've also attached the 2002 SDWA Section 1431 Consent Order.

**Ex. 5 AC/AWP/DP**

# Ex. 5 AC/AWP/DP

Jacqueline Clark

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**From:** Speir, Jeffrey

**Sent:** Thursday, August 17, 2017 11:55 AM

**To:** Clark, Jacqueline <[clark.jacqueline@epa.gov](mailto:clark.jacqueline@epa.gov)>; Davies, Lynne <[Davies.Lynne@epa.gov](mailto:Davies.Lynne@epa.gov)>

**Cc:** Collins, Charlie <[collins.charlie@epa.gov](mailto:collins.charlie@epa.gov)>; Baptista, Chrisna <[Baptista.Chrisna@epa.gov](mailto:Baptista.Chrisna@epa.gov)>

**Subject:** FW: For WCED/WED review: language for media inquiry re DuPont PFOA levels

Hi Jacqueline and Lynne,

John Senn (Communications Director, OECA) has proposed language, edited immediately below, to respond to a reporter's inquiry, highlighted farther below, on PFOA health screening levels for the DuPont Washington Works facility in West Virginia. I am not very familiar with the contents of the consent orders with DuPont, except that there was an amendment earlier this year. The edits I provide below come from the language of the 2002 consent order and the press release announcing the 2017 amendment.

Are these edits (in strikethrough and underline) accurate? Is there anything that would be pertinent to add?

## Ex. 5 Deliberative Process (DP)

## Ex. 5 Deliberative Process (DP)

I apologize for forwarding this request on to you, but I thought you may more readily know these details.

Please let me know if you have any questions.

-Jeff

Jeffrey Speir  
Attorney-Adviser  
U.S. Environmental Protection Agency  
OECA – OCE – Water Enforcement Division  
1200 Pennsylvania Avenue, NW (2243-A)  
Washington, DC 20460  
(202) 564-0872

-----Original Message-----

From: Collins, Charlie  
Sent: Thursday, August 17, 2017 12:13 PM  
To: Speir, Jeffrey <[speir.jeffrey@epa.gov](mailto:speir.jeffrey@epa.gov)>  
Cc: Baptista, Chrisna <[Baptista.Chrisna@epa.gov](mailto:Baptista.Chrisna@epa.gov)>  
Subject: RE: For WCED/WED review: language for media inquiry re DuPont PFOA levels  
Importance: High

Jeff,

# Ex. 5 Deliberative Process (DP)

-Charlie

Charlie A. Collins II, Ph.D.  
Environmental Scientist  
USEPA  
William Jefferson Clinton South Building OECA - OCE - WED Room 3117A – MC 2243A  
1200 Pennsylvania Ave, NW  
Washington, DC 20460  
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Protecting the environment is everyone's responsibility. You can help by reporting potential environmental violations. To do so, visit EPA's website at <http://epa.gov/compliance/complaints/index.html>

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-----Original Message-----

From: Speir, Jeffrey  
Sent: Thursday, August 17, 2017 11:52 AM  
To: Collins, Charlie <[collins.charlie@epa.gov](mailto:collins.charlie@epa.gov)>; Baptista, Chrisna <[Baptista.Chrisna@epa.gov](mailto:Baptista.Chrisna@epa.gov)>  
Subject: FW: For WCED/WED review: language for media inquiry re DuPont PFOA levels

Hi Charlie and Chrisna,

I do not know much about the PFOA consent order. Please let me know how we can get back to John regarding the language he proposes below.

-Jeff

Jeffrey Speir  
Attorney-Adviser  
U.S. Environmental Protection Agency  
OECA – OCE – Water Enforcement Division  
1200 Pennsylvania Avenue, NW (2243-A)  
Washington, DC 20460

(202) 564-0872

-----Original Message-----

From: Garvey, Mark

Sent: Thursday, August 17, 2017 11:46 AM

To: Senn, John <[Senn.John@epa.gov](mailto:Senn.John@epa.gov)>; Speir, Jeffrey <[speir.jeffrey@epa.gov](mailto:speir.jeffrey@epa.gov)>

Cc: Denton, Loren <[Denton.Loren@epa.gov](mailto:Denton.Loren@epa.gov)>; King, Carol <[King.Carol@epa.gov](mailto:King.Carol@epa.gov)>; Theis, Joseph <[Theis.Joseph@epa.gov](mailto:Theis.Joseph@epa.gov)>; Miles, James <[miles.james@epa.gov](mailto:miles.james@epa.gov)>; White, Terri-A <[White.Terri-A@epa.gov](mailto:White.Terri-A@epa.gov)>; Drinkard, Andrea <[Drinkard.Andrea@epa.gov](mailto:Drinkard.Andrea@epa.gov)>; Dennis, Allison <[Dennis.Allison@epa.gov](mailto:Dennis.Allison@epa.gov)>

Subject: RE: For WCED/WED review: language for media inquiry re DuPont PFOA levels

John,

I'll defer to the WED and OW staff on the SDWA orders.

**Ex. 5 Deliberative Process (DP)**

## **Ex. 5 Deliberative Process (DP)**

Mark

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Mark Garvey

EPA Headquarters

Office of Civil Enforcement

Attorney

202-564-4168

[garvey.mark@epa.gov](mailto:garvey.mark@epa.gov)

NOTE: This email and its attachments may contain confidential information, attorney-work product, enforcement sensitive material or privileged information.

-----Original Message-----

From: Senn, John

Sent: Thursday, August 17, 2017 11:30 AM

To: Garvey, Mark <[Garvey.Mark@epa.gov](mailto:Garvey.Mark@epa.gov)>; Speir, Jeffrey <[speir.jeffrey@epa.gov](mailto:speir.jeffrey@epa.gov)>

Cc: Denton, Loren <[Denton.Loren@epa.gov](mailto:Denton.Loren@epa.gov)>; King, Carol <[King.Carol@epa.gov](mailto:King.Carol@epa.gov)>; Theis, Joseph <[Theis.Joseph@epa.gov](mailto:Theis.Joseph@epa.gov)>; Miles, James <[miles.james@epa.gov](mailto:miles.james@epa.gov)>; White, Terri-A <[White.Terri-A@epa.gov](mailto:White.Terri-A@epa.gov)>; Drinkard, Andrea <[Drinkard.Andrea@epa.gov](mailto:Drinkard.Andrea@epa.gov)>; Dennis, Allison <[Dennis.Allison@epa.gov](mailto:Dennis.Allison@epa.gov)>

Subject: For WCED/WED review: language for media inquiry re DuPont PFOA levels

Importance: High

Hi everyone--as Mark and James are already aware, a reporter from a news outlet in North Carolina contacted us yesterday with a couple questions about the PFOA screening and action levels in the settlement with the DuPont facility in West Virginia. This inquiry is surely related to the GenX matter.

Here's the reporter's inquiry:

The EPA enforcement page on the settlement activity (<https://www.epa.gov/enforcement/ei-dupont-de-nemours-and-company-pfoa-settlements>) lists the initial temporary screening level for PFOA from the 2002 settlement as 150 ppb. But looking at the text of the actual consent order, it appears that initial temporary screening level was 14 ug/l, or 14 ppb. Is this an error on the enforcement page summary, or am I missing something?

Here's a draft response (which obviously needs some details filled in)...let me know if I missed the mark with any of this language.

## **Ex. 5 Deliberative Process (DP)**

### **Ex. 6 Personal Privacy (PP)**

if anyone wants to connect on this--thanks, John